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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,896	09/11/2003	Gilda A. Taylor	33369-1	5952

7590 01/07/2005

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EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/659,896

Applicant(s)

TAYLOR, GILDA A.

Examiner

Robert G. Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Littleton '925. As concerns claims 1, 2, 4 and 5, Littleton '925 shows the claimed limitations of a method for rotating a patient (P) to one side in a bed, comprising: passing an elongated strap (the rightmost pairs of elements 15 & 17 and element 22 as shown in Figures 5 & 6) around the patient wherein the strap comprises a lower end having an attachment device (as described in column 4, lines 2-7), an upper end having a handle (15), and padding (26); attaching the lower end to a bed rail (R) (as described in column 5, lines 18-21); grasping the upper end (as described in column 5, lines 29-30); and pulling the upper end toward the bed rail whereby the patient rolls towards the bed rail (as shown in Figure 2 and as described in column 5, lines 30-32). With regards to claims 6, 7 and 9, the reference also discloses the steps of passing a second elongated strap (the leftmost pairs of elements 15 & 17 and element 23 also as shown in Figures 5 & 6) around the patient wherein the second elongated strap comprises a second lower end having a second attachment device (as described in column 4, lines 2-7) and a second upper end having a handle (15); attaching the second lower end to a bed rail (R) (as described in column 5,

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column 5, lines 18-21); and grasping the second upper end, prior to said pulling (as described in column 5, lines 29-32).

3. Claims 11-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB Patent No. 2,213,734 to Hatcher et al. (note especially Figures 1 & 2; page 1, lines 12-26; and page 2, lines 1-17).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton '925 in view of Mann '879. Littleton '925 does not specifically disclose conditions wherein the (first) attachment device is a snap and wherein the second attachment device is a loop and hook device. Mann '879 provides the basic teaching of a body positioner (10) comprising a plurality of straps (12-15), wherein each strap includes snap (21, 23) as well as hook and loop devices (20, 24). The skilled artisan would have found it obvious at the time the invention was made to replace the attachment devices of Littleton '925 with snap and loop and hook devices in order to provide a simple alternative means for attaching the straps to a bed rail as desired.

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6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher et al. '734 in view of Gershman. Hatcher et al. '734 do not specifically disclose a condition wherein the attachment device (5) is a hook and loop device. Gershman teaches the use of hook and loop fasteners which may be used to replace slide buckles and safety buckles. The skilled artisan would have found it obvious at the time the invention was made to replace the attachment device of Hatcher et al. '734 with a hook and loop device since such a modification would have been generally considered as a substitution of art-recognized equivalents as taught by Gershman.

***Response to Amendment***

Applicant's arguments on pages 6-9 and 11 of her amendment with respect to the Skaler '279 and Lonardo '889 references have been considered but are moot in view of the new ground(s) of rejection. With regards to Applicant's arguments on pages 9-12 of her amendment concerning claims 11-16, the examiner respectfully maintains that Hatcher et al. '734 still teaches a method step wherein the assistor rises from a crouching position; the term *crouch* is explicitly defined in Miriam Webster's Collegiate Dictionary (Tenth Edition) as "to lower the body stance", and Figure 2 of the Hatcher et al. '734 patent clearly shows the assistor assuming a downwardly bent posture towards the sitting patient. Hence, the claim rejections under Hatcher et al. '734 have been respectfully maintained.


***Allowable Subject Matter***

7. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
December 29, 2004